



Atty. Docket No.: 1657/2022

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Burgess et al.
Serial No.: 10/700,439
Filed: November 4, 2003
Entitled: USE OF DIFFERENTIALLY
EXPRESSED NUCLEIC ACID
SEQUENCES AS BIOMARKERS
FOR CANCER

Examiner: Not Yet Assigned
Group Art Unit: Not Yet Assigned
Conf. No.: Not Yet Assigned

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8a

I hereby certify that this correspondence (and any paper or fee referred to as being enclosed) is being deposited with the United States Post Office as First Class Mail on the date indicated below in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Andrea MacVarish

Name of Person Mailing Paper

Signature of Person Mailing Paper

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §§ 1.56, 1.97 AND 1.98**

Dear Sir:

In accordance with the duty of disclosure under 37 CFR § 1.56, Applicant submits this Information Disclosure Statement pursuant to 37 CFR §§ 1.97 and 1.98 in the above-identified application for consideration by the Patent Office.

A listing of the cited documents, as well as, for the Examiner's convenience, copies of all foreign patent documents and non-patent literature are enclosed. This application was filed after June 30, 2003, and copies of U.S. patents and U.S. patent applications are not required and are not enclosed.

Pursuant to CFR § 1.97(b)(3), because this Statement is being submitted before the first Office Action on the merits, no fee is required.

Applicant wishes to draw the Examiner's attention to the following patent applications filed by Bayer:

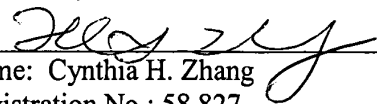
<u>Serial No.</u>	<u>Title</u>	<u>Filing Date</u>
09/328,111	Novel Human Genes and Gene Expression Products	06/08/1999
09/879,536	Novel Human Genes and Gene Expression Products	06/11/2001
09/871,161	Novel Human Genes and Gene Expression Products	05/31/2001
09/907,479	Novel Human Genes and Gene Expression Products	07/17/2001
10/610,049	Novel Human Genes and Gene Expression Products	06/30/2003
10/280,403	Novel Human Genes and Gene Expression Products	10/25/2002

Applicant does not intend to represent that any of the documents submitted herein are material prior art to this invention or that the list represents an exhaustive search of documents related to this invention.

Applicant respectfully requests that the documents submitted herein be considered and made of record in this application.

Date: Feb. 4, 2004

Respectfully submitted,


Name: Cynthia H. Zhang
Registration No.: 58,827
Customer No.: 29932
Palmer & Dodge LLP
111 Huntington Avenue
Boston, MA 02199-7613
Tel: 617-239-0100


 USPTO Form 1449 U.S. Department of Commerce
 Patent and Trademark Office

INFORMATION DISCLOSURE STATEMENT

Attorney Docket No.

01657-02022

Serial No.

10/700,439

Applicant(s): Burgess et al.

Filing Date: November 4, 2003

Group: Not Yet
Assigned

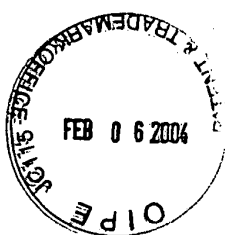
U.S. PATENT DOCUMENTS

Examiner Initial		Patent No.	Date	Name	Class	Subclass	Filing Date (if appropriate)
		566,063	08/18/1896	Curley, T.			
		5,677,125	10/14/1997	Holt et al.			
		6,303,324 B1	10/16/2001	Fruehauf			
		6,342,483 B1	01/29/2002	Holt et al.			
		0132274 A1	09/19/2002	Nevalainen et al.			
		0076735 A1	06/20/2002	Williams et al.			
		0102569 A1	08/01/2002	Lal et al.			
		0027178 A1	02/06/2003	Vasmatzis et al.			
		0073105 A1	04/17/2003	Lasek et al.			
		6,566,502 B1	05/20/2003	Mack et al.			
		0096261 A1	05/22/2003	Fruehauf et al.			
		0108931 A1	06/12/2003	Yang et al.			
		0118509 A1	06/26/2003	Mack et al.			
		0138792 A1	07/24/2003	Schlegel et al.			
		0224374 A1	12/04/2003	Dai et al.			
		0224465 A1	12/04/2003	Nevalainen et al.			
		0018525 A1	01/29/2004	Wirtz et al.			

FOREIGN PATENT DOCUMENTS

Examiner Initial		Document No.	Publication Date	Country	Class	Subclass	Translation	
							YES	NO
	✓	EP 1 349 104 A2	03/31/2003	EP				
	✓	EP 1 355 149 A2	10/22/2003	EP				
	✓	WO 95/19369	07/20/1995	WIPO				
	✓	WO 00/34788	06/15/2000	WIPO				
	✓	WO 02/056749 A2	07/02/2002	WIPO				
	✓	WO 02/079411 A2	10/10/2002	WIPO				
		WO 02/103320 A2	12/27/2002	WIPO				
		WO 03/053215 A2	07/03/2003	WIPO				

OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)								
	✓	C. Sakakura et al., <i>Screening of Novel Biomarkers for the Detection of Intraperitoneally Disseminated Cancer Cells Using Human cDNA Microarray</i> , Gan Toi Kagaku Ryoho, November 2002, 29(12): pps. 2271-2274						
	✓	Thomas J. Giordano et al., <i>Organ-Specific Molecular Classification of Primary Lung, Colon, and Ovarian Adenocarcinomas Using Gene Expression Profiles</i> , American Journal of Pathology, Vol. 159, No. 4, October 2001, pps. 1231-1238						
	✓	Jayne L. Dennis et al., <i>Identification From Public Data of Molecular Markers of Adenocarcinoma Characteristic of the Site of Origin</i> , Cancer Research, Vol. 62, Molecular Markers of Adenocarcinoma, November 1, 2002, pps. 5999-6005						
		Michael A. Giese et al., <i>Expression Profiling of Human Renal Carcinoma with Functional Taxonomic Analysis</i> , published in Open Access, BMC Bioinformatics, September 30, 2002, 3:26, pps. 1-13.						
		Daniel A. Notterman et al., <i>Transcriptional Gene Expression Profiles of Colorectal Adenoma, Adenocarcinoma and Normal Tissue Examined by Oligonucleotide Arrays</i> , Cancer Research, Vol. 61, Gene Expression Profiles of Colon Cancer, April 1, 2001, pps. 3124-3130						
EXAMINER						DATE CONSIDERED		
<p>*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.</p> <p>**Copies of references not provided at the time of this submission.</p>								



Atty. Docket No.: 01657/02022

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Burgess et al.
Serial No.: 10/700,439
Filed: November 4, 2003
Entitled: USE OF DIFFERENTIALLY
EXPRESSED NUCLEIC ACID
SEQUENCES AS BIOMARKERS
FOR CANCER

Examiner: Not Yet Assigned
Group Art Unit: Not Yet Assigned
Conf. No.: Not Yet Assigned

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8a

I hereby certify that this correspondence (and any paper or fee referred to as being enclosed) is being deposited with the United States Post Office as First Class Mail on the date indicated below in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Andrea MacVarish

Name of Person Mailing Paper

Andrea MacVarish

Signature of Person Mailing Paper

**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

TRANSMITTAL LETTER

Enclosed for filing in the above-identified patent application, please find the following documents:

1. Information Disclosure Statement (2 pages);
2. Form PTO-1449 (2 pages);
3. Copies of Cited References (30 references); and
4. Return Post Card.

The Commissioner for Patents is hereby authorized to charge any fees to Deposit Account No. 16-0085, Reference 01657/02022. A duplicate of this transmittal letter is enclosed for this purpose.

Respectfully submitted,

Date: Feb. 4, 2004

Cynthia H. Zhang
Name: Cynthia H. Zhang
Registration No.: 53,827
Customer No.: 29932
Palmer & Dodge LLP
111 Huntington Avenue
Boston, MA 02199-7613
Tel: 617-239-0100